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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-------------------|
| 10/620,662 | 07/16/2003 | Sung Ho Park | 1701.01 | 9571 |
| 23363 | 7590 | 09/09/2005 | EXAMINER | |
| CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068 | | | | ALIMENTI, SUSAN C |
| ART UNIT | | PAPER NUMBER | | |
| | | 3644 | | |

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/620,662 | PARK, SUNG HO | |
| | Examiner | Art Unit | |
| | Susan C. Alimenti | 3644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5,7,11-13 and 15 is/are rejected.
- 7) Claim(s) 6,8-10,14 and 16-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 7, 11-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Essex (US4,735,171) in view of Arentoft (US 4,922,857).

Essex discloses the claimed invention except the dispensing system is different. Essex's animal feeding device comprises a container or hopper 20 for holding animal feed, a circular pipe 26 attached below hopper 20, a dispenser 28 rotateably received in said pipe 26, a motor M, and dispensing spout 36. Essex utilizes a standard spiral auger system for dispensing the animal feed, however there are equivalent structures known in the art for performing the same function. Arentoft teaches an alternate automatic dispensing structure and system (Arentoft, Figures 3-6) comprising shaft 14 and two circular dispensing discs 18', 26' fixed to said shaft. Each of said discs comprises an arc recess, 20' and 28' respectively, said arc having a predetermined angle of about 90°, and are considered to be positioned "opposite with each other" (claim 1). Therefore, because these two feed dispensing systems were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to replace Essex's dispensing system with Arentoft's.

Regarding claim 2, the distance between dispensing discs 18' and 26' is considered to be about 1 ½", however even if it were not, such a modification would only have involved a mere

change in size of components. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 11, Essex's device (as best viewed in Figures 1 and 5) further comprises a power supply or plug 106 that supplies power to motor M, a timer 104, a switch 108 and display disposed on the outer wall of housing 12. Timer 104 can be set by the user to control operation time of the motor through quartz or other crystal digital display (Essex, col.3, lns.8-23).

3. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Essex in view of Arentoft, as applied to claims 1 and 12 above, and further in view of Hubert (DE 197 50 074 C1).

Essex, as modified by Arentoft, discloses the claimed invention except the shaft does not have a rectangular cross section. Hubert discloses a feed dispensing system that is very similar to Arentoft's system, however Hubert utilizes a rectangular shaft 7 (Hubert, Figure 1). Such a shape eliminates the need for adhering said shaft to certain elements in the system, and yet still effect rotation of the system controlled by said shaft. It would have been obvious to one having ordinary skill in the art to modify Arentoft's dispensing system by utilizing a rectangular shaft in order to establish a working connection between said shaft and certain parts of the system while eliminating the need for otherwise adhering said parts, i.e. with glue or by other means.

Allowable Subject Matter

4. Claims 6, 8-10, 14, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's response filed 21 July 2005 has been fully considered but is not persuasive. The modification of the word "fixed" to "rigidly affixed" does not patentably distinguish the present invention from the prior art, as disclosed by Arentoft. While it is noted that shaft 14 is free to rotate inside the aperture in disc 18, said disc is still attached to, and in contact with, said shaft. When the device is assembled the disc is not free to move in a vertical or horizontal direction with respect to shaft 14. This structure disclosed by Arentoft is readable on the phrase that the disc is "rigidly affixed to the shaft." For these reasons the rejection of the claims indicated above has been maintained.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3644

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan C. Alimenti



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER